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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,134	11/19/2001	Richard Detweiler	EXTS113	6960
7590	08/17/2004		EXAMINER	
Ormiston & McKinney, PLLC 802 W. Bannock, Suite 400 P.O. Box 298 Boise, ID 83701-0298			HAMILTON, MONPLAISIR G	
			ART. UNIT	PAPER NUMBER
			2135	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/075,134	DETWEILER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Monplaisir G Hamilton	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 May 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7,10-12,15,17-23,26-28,31,47 and 48 is/are pending in the application. *cancelled*

4a) Of the above claim(s) 8,9,13,14,16,24,25,29,30 and 32-46 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7,10-12,15,17-23,26-28,31,47 and 48 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. The communication filed on 5/26/04 amended Claims 1, 2, 4-6, 10-12, 15, 17-18, 20-22, 26-28, cancelled Claims 8-9, 13-14, 16, 24-25, 29-30 and 32-46 and added Claims 47-48. Claims 1-7, 10-12, 15, 17-23, 26-28, 31 and 47-48 remain for examination.

*Response to Arguments*

2. Applicant's arguments with respect to Claims 1-7, 10-12, 15, 17-23, 26-28, 31 and 47-48 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Objections*

3. Claim 10 is objected to because of the following informalities: a grammatical error is found in the ascertaining step, "has been replicated in or deleted the remote application data store". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 10-12, 15, 17-23, 26-28, 31 and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (US 2002/0174180).

Referring to Claims 1 and 17:

Brown discloses a coordinated push synchronization method, comprising the acts of:  
detecting changes to a local application data store (paragraph 0056-0057);  
identifying a record affected by a detected change (paragraph 0057);  
pushing the identified record to a remote application data store (paragraph 0057);  
ascertaining whether the pushed record, in its current form as affected by the detected change, has been replicated or deleted in the remote application data store if not, updating the remote application data store with the pushed record (paragraph 0080-0083);  
after updating, identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 5 and 21:

Brown discloses a coordinated user-initiated synchronization method, comprising the acts of:

detecting changes to a local application data store (paragraph 0040);  
identifying a record affected by a detected change (paragraph 0041-0043);  
ascertaining whether the identified record, in its current form as affected by the detected change, has been pushed into the local application data store (paragraph 0040); and  
if not, synchronizing the remote application data store with the local application data store (paragraph 0040).

Referring to Claims 10 and 26:

Brown discloses a coordinated push and user-initiated synchronization method, comprising:

detecting changes to a local application data store (paragraph 0040);  
identifying a first record in the local application data store affected by a detected change (paragraph 0041-0043);  
pushing the first record to a remote application data store (paragraph 0040);  
ascertaining whether the identified pushed record, in its current form as affected by the detected change, has been replicated in or deleted the remote application data store and, if not, updating the remote application data store with the pushed record (paragraph 0040);  
detecting changes to the remote application data store (paragraph 0057);

identifying a second record in the remote application data store affected by a detected change (paragraph 0057);

ascertaining whether the second record, in its current form as affected by the detected change, has been pushed into the remote application data store and, if not, synchronizing the remote application data store with the local application data store (paragraph 0079-0083).

Referring to Claims 2 and 18:

Brown discloses the limitations of Claims 1 and 17 above. Brown further discloses wherein the act of ascertaining includes comparing a local change counter associated with the pushed record in the local application data store with a remote change counter associated with a corresponding record in the remote application data store (paragraph 0079).

Referring to Claims 3, 7, 19 and 23:

Brown discloses the limitation of Claims 1, 5, 17 and 21 above. Brown further discloses, wherein the act of pushing the identified record comprises:

if the identified record has been detected as being new, pushing a replica of the identified record with instructions to save the replica in the remote application data store (paragraph 0080);

if the identified record has been detected as being modified, pushing a replica of the identified record with instruction to save the replica in the remote application data store replacing a prior version of the record (paragraph 0082); and

if the identified record has been detected as being deleted, pushing instructions to delete a prior version of the identified contained in the remote application data store (paragraph 0081).

Referring to Claims 4 and 20:

Brown discloses the limitation of Claims 1 and 17 above. Brown further discloses, wherein the act of identifying comprises associating an indicator with the pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 6 and 22:

Brown discloses the limitation of Claims 5 and 21 above. Brown further discloses, wherein the act of ascertaining includes examining an indicator associated with a pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 11 and 27:

Brown discloses the limitation of Claims 10 and 26 above. Brown further discloses, wherein the act of ascertaining whether the pushed record has been replicated in or deleted from a the remote application data store includes comparing a local change counter associated with the pushed record in the local application data store with a remote change counter associated with a corresponding record in the remote application data store (paragraph 0079-83).

Referring to Claims 12 and 28:

Brown discloses the limitation of Claims 10 and 26 above. Brown further discloses, wherein the act of ascertaining whether the pushed record has been replicated in or deleted from

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the remote application data store includes examining an indicator associated with the pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 15 and 31:

Brown discloses the limitation of Claims 10 and 26 above. Brown further discloses, after updating the remote application data store with the pushed record, identifying the pushed record in the remote application data store, as a pushed record (paragraph 0066).

Referring to Claim 47:

Brown discloses the limitation of Claim 4 above. Brown further discloses, wherein the act of associating comprises setting a coordination flag for the pushed record (paragraph 0066).

Referring to Claim 48:

Brown discloses the limitation of Claim 6 above. Brown further discloses, wherein the Indicator comprises a coordination flag, a set coordination flag indicating that a record is a pushed record and a reset coordination flag indicating that the record is not a pushed record (paragraph 0066).

***Final Rejection***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

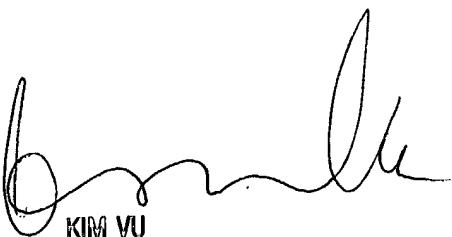
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton



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